

EXHIBIT B

Declaration of Daniel Hernandez, sworn to March 7, 2022

MELONI & McCAFFREY APC
Robert S. Meloni, Esq.
Thomas P. McCaffrey, Esq.
3 Columbus Circle, 15th Floor
New York, New York 10019
Telephone: 917-331-9556
Facsimile: 917- 210-3758
Email: rmeloni@m2lawgroup.com
Email: tmccaffrey@m2lawgroup.com

Attorneys for Defendant Daniel Hernandez a/k/a Tekashi 6ix 9ine

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEKETHA WONZER and KEVIN DOZIER, Plaintiffs, -against- DANIEL HERNANDEZ a/k/a Tekashi 6ix 9ine, Defendant.	Case No. 1:20-cv-10836-JPC Judge John P. Cronan Magistrate Judge Jennifer E Willis
--	--

DECLARATION OF DANIEL HERNANDEZ

DANIEL HERNANDEZ declares under penalty of perjury as follows:

1. I am the defendant in the above-entitled action (“Defendant”).
2. I make this declaration upon my personal knowledge as part of Defendant’s submission to this Court’s post-default inquest on damages.
3. I was affiliated with a gang called “Nine Trey Gangsta Bloods,” based in Brooklyn. My association with them lasted about eight months and ended in November 2018. I foolishly believed that by joining Nine Trey, I would obtain “street” credibility, which I thought would help me in my rap music career. It all started when I released my song *Gummo* in October 2017. I decided to change my image, and to try to make a gangster image. In

order to do that, I shot a music video of *Gummo* that included members of Nine Trey. I foolishly commingled with gang members who I blindly believed would help me with my career. I know now that was the biggest mistake that I ever made in his life. It did not help my career at all but landed me in prison.

4. Because of the success of *Gummo*, the Nine Trey gang members realized that they had a money train. Nine Trey was controlling my life and career. They thought that because I was successful as an artist, I was their meal ticket. They forced themselves into business dealings for my career, sometimes without my knowledge and consent.

5. In July 2018, I was kidnapped by a Nine Trey member, who robbed me of over one hundred thousand dollars in property. They started working with corrupt booking agencies without my knowledge. I discovered that they were signing agreements on my behalf without my knowledge and stealing hundreds of thousands of dollars in fees from me.

6. I first publicly denounced the Nine Trey in November 2018. That was before I was arrested. I made a public post on my Instagram account saying that I had fired everyone associated with Nine Trey and was distancing myself from the gang. I also gave an interview with a radio program called the Breakfast Club in which I explicitly denounced the gang

7. Shortly afterwards, government wiretaps picked up conversations between members of Nine Trey who discussed “violating” me, meaning harm me, or worse kill me, because of the comments that I made publicly denouncing the gang.

8. I became a cooperating witness for the U.S. Government in connection with the criminal conspiracy case they had filed against me and the other members of Nine Trey. I gave public testimony about their involvement in various crimes. The Assistant U.S. Attorney in charge of the case, AUSA Michael Longyear, told the Judge at my sentencing hearing that

my cooperation was not only substantial, but also “extraordinary.” District Judge Paul. Engelmayer agreed and said my cooperation was “impressive” and “game-changing.” Mr. Longyear said I will forever have to look over my shoulder. That I will never lead a normal life since my cooperation made me a target for Nine Trey as well as other gangs. He was 100% correct as I live with that fear every day.

The April 3, 2018 Event.

9. I was only at the scene of the 4/3/2018 event because I happened to be a passenger in an SUV vehicle along with some Nine Trey Gang members. While we were driving, another member, Kifano “Shotti” Jordan, received a telephone call alerting him that members of a rival gang, called Rap-A-Lot Records, were at a recording studio in Manhattan on 264 West 40th Street in Manhattan doing something with rapper 50 Cent. Rap-a-Lot member J. Prince Jr. had disrespected Shotti. Nine Trey members are known for not putting up with disrespect from anyone, so Shotti decided to go there and rob one of the Rap-A-Lot guys when they left the building, who I did not know.

10. That was the same building where the event took place. Shotti then drove to that building to confront the Rap-A-Lot member intending to rob him.

11. I stayed in the car while everything went down and started filming on my phone, but it was raining. The raindrops on the car window were blocking my view, so I opened the door of the car and continued filming. However, I never left the SUV and remained in the vehicle throughout the entire event. The SUV was parked across 40th Street across from the building entrance where the robbery took place. It would have been very difficult for either Ms. Wonzer or Mr. Dozer to see me.

12. My video was posted together with the building security video on various websites, including TMZ. My attorneys are submitting my video and the building video of the incident to the Court, attached as Exhibit A-1 and Exhibit A-2 to the Declaration of Robert Meloni dated March 11, 2022.

13. As it turns out, the Nine Trey members robbed the wrong person, mistakenly believing one of the Plaintiffs in this case was the Rap-A-Lot member they meant to rob.

14. I went along with this to maintain my own standing in Nine Trey.

15. I did not have a gun on me the night of the 4/3/2018 event.

16. I never entered the building, its vestibule, or its lobby on the night of the 4/3/2018 event.

17. I never met either Plaintiff on 4/03/2018, or at any time before or since then.

18. I was sentenced to two years in federal prison for my role as a member of the Nine Trey Gang, including the event on 4/3/2018 as well as for other illegal conduct the gang carried out.

19. I remained incarcerated from the moment of my arrest in November 2018 until my release from prison in April 2020 because of coronavirus concerns and served the rest of my sentence on home confinement.

20. I never held any grudges against Plaintiffs for their involvement in the government's prosecution against me or ever sought to punish them for their involvement. I have not ever contacted them.

21. I am deeply remorseful for any injury the Plaintiffs may have suffered at the hands of the Nine Trey Gang members that evening of 4/03/2018.

22. I was signed to a recording agreement with TenThousand Projects, but that agreement expired last month. I have not released any music since my home confinement in 2020.

23. I was signed to a merchandise deal, but that agreement ended in February 2022.

24. I am still signed to publishing deal, but my royalty account remains unrecouped, so I am not presently receiving any income from that deal.

25. I did receive large advances under the recording artist and merchandising agreements prior to my arrest. However, I do not receive any royalties under those agreements either since my royalty accounts remain unrecouped.

26. I have had to try to restart my career after my release from prison. I was out of the business for two years, which caused me to lose all the momentum I had achieved before I was arrested. I may never reach the same level of success I had before my arrest.

27. Also, because of the COVID-19 Pandemic, my ability to generate income from touring has been greatly reduced. Live concert revenue was a big part of the money I used to make as an artist. That is not the case now. I did not do any concert tours in 2021. I have no concerts booked for 2022.

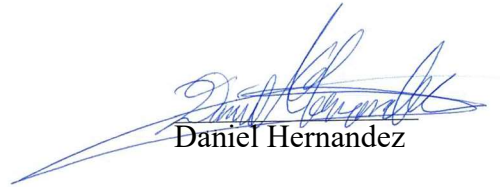
28. My present income supports myself, my two infant children and their mother, my mother and my brother.

29. My accountant, Justin Kobay, knows exactly what my exiting assets and sources of income are, and I rely upon my accountant for providing this Court with that accurate information under a separate declaration submitted along with defendant's pre-inquest submissions. Right now, I am struggling to make ends meet. I do not know if I will ever command the kind of advances I was paid before my arrest, and my career stalled.

30. If the Court awards the compensatory damages and punitive damages sought by Plaintiffs at this inquest, it will surely bankrupt me in a way from which I will never recover to the permanent detriment and hardship of the family members who rely upon me.

31. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 7, 2022



Daniel Hernandez